

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on June 10, 2004. At the time the Examiner mailed the Office Action claims 1-30 were pending. By way of the present response the Applicant has canceled claims 1-30 and submitted new claims 31-54.

As such, claims 31-54 are now pending. The Applicant respectfully requests reconsideration of the present application and the allowance of all claims.

Rejections under 35 USC § 102(e)

Claims 1-7, 10-17, 20-27 and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Perry et al., U.S. Patent No. 6,260,489 (hereinafter "Perry"). Applicant has canceled claims 1-7, 10-17, 20-27 and 30. Applicant submits that the new claims 31-54 are not anticipated by Perry. Perry discloses the use of substantially the same distinctive tactile alert pattern for both audible and non-audible alerts. This means that the device can be configured in such a way as to allow a user to assign a caller a single, distinctive alert pattern that will be used for both audible and non-audible alerts. To the contrary, Applicant's invention allows for a different alert pattern based on whether or not the transmission is a telephone call. This different alert is not of the same pattern as the audible alert. A user could then not only know who is contacting him but also know what type of contact is being made (i.e. phone call, email, instant message, . . . etc) based solely on the vibration

of the device. At least for this reason, Applicant respectfully submits that all of the claims are allowable.

Additionally, Perry does not disclose the use of an additional vibration to distinguish between transmission types. Nor does Perry disclose using different frequencies of vibrations to help the user identify the caller and/or transmission type. In Applicant's invention each caller could be setup to vibrate the device at a different frequency (i.e. 60 Hz or 120 Hz), which would help the user to distinguish the caller. For at least these reasons all of the claims are allowable.

Rejections under 35 USC § 103(a)

Claims 8, 9, 18, 19, 28 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al., U.S. Patent No. 6,260,489 (hereinafter "Perry"). Applicant has canceled claims 8, 9, 18, 19, 28 and 29. Applicant submits that the new claims 31-54 are allowable over Perry for all of the reasons stated above. Perry does not teach or suggest the use of different vibrations to distinguish between transmission types, nor does Perry disclose using different frequencies of vibrations to help the user identify the caller and/or transmission type.


CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/29/04, 2004



Thomas C. Webster
Reg. No.: 46,154

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300